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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HAYASHI et al

Group Art Unit: 1752

Serial No. 10/622,488

Examiner: Cynthia Hamilton

Filed: July 21, 2003

Atty. Docket No.: 59556.00005

For: MARKING METHOD AND MARKING APPARATUS USING MULTIPLE
PHOTON ABSORPTION, MARKED OPTICAL ELEMENT MANUFACTURED
BY USING THE MARKING METHOD AND THE MARKING APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 5, 2004

Sir:

The Office Action dated July 20, 2004 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

The Office Action of July 20, 2004 was a restriction requirement, requiring election between one of the following two inventions:

Invention I, recited in claims 1-3, drawn to a marking method capable of forming a diffraction pattern capable of diffracting a visible light wherein the laser via a change in refractive index; and

Invention II, recited in claims 6-7, drawn to a marking method with steps of setting the nature of one laser beam by setting up relationships via pre-testing in the object then converging a laser beam on the marking object to form a characteristic-changed area.

Applicants respectfully elect to prosecute the subject matter of Invention I, recited in claims 1-3, drawn to a marking method capable of forming a diffraction pattern capable of diffracting a visible light wherein the laser via a change in refractive index. Applicants therefore respectfully request timely consideration on the merits.

Applicants reserve the right to file a divisional application on the non-elected claims at any point prior to the termination of the proceedings in the subject application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Kevin F. Turner
Reg. No. 43,437

Customer Number 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

KFT:scc